IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRIMINAL MISC.NO.13997 M OF 2004

DATE OF DECISION: JULY 10, 2007

Akashya and others

.....Petitioners

VERSUS

The State of Haryana etc.

....Respondents

CORAM:- HON'BLE MR.JUSTICE RANJIT SINGH

1. **Whether Reporters of local papers may be allowed to see the judgement?**
2. **To be referred to the Reporters or not?**
3. **Whether the judgment should be reported in the Digest?**

PRESENT: Mr. Gautam Dutt, Advocate,
for the petitioners.

Mr. S. K. Hooda, Sr.DAG, Haryana,
for the State.

Mr. Shiv Kumar, Advocate,
for respondent No.2.

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RANJIT SINGH, J.(ORAL)

Arun Kumar married Vanita (respondent No.2) on 22.2.2002. Soon after the marriage, the difference between the couple surfaced. The reasons for which the differences arose need not be noticed. However, the couple started living separately since the year 2003. Respondent No.2 lodged an FIR No.522 dated 14.11.2003 under Sections 406, 498A IPC against the petitioners as well as other relatives like husband and in laws. It appears that prior to registration of a case there was a talk between the families to settle the issue and some

compromise was arrived at before the Magistrate. Subsequently, however, the impugned FIR was lodged. The petitioners, who are close relatives of husband of the complainant, like brothers, brother-in-law, have filed this petition, seeking quashing of the FIR qua them.

During the pendency of these proceedings, the parties have reached a compromise. This fact was noticed earlier and parties asked to come present. Today, the parties are present in person. The terms of the compromise are reduced into writing. Copy of the compromise is handed over in Court for placing it on record. The same is marked as Annexure A and kept on record. As per the agreed terms, first party i.e. husband of the complainant has paid a sum of Rs.1,80,000/- as full and final amount towards the settlement of entire dispute including permanent alimony and maintenance. Respondent No.2 agrees that she would not make any claim on her husband, Arun Kumar. It is further agreed between the parties that a petition for divorce by way of mutual consent be filed in the Court of competent jurisdiction at Faridabad and both the parties will not object to the marriage being dissolved by a decree of divorce by mutual consent. The parties have agreed to file the petition for divorce by mutual consent within a period of 15 days from today. The parties have agreed to withdraw all the civil and criminal cases filed by them and pending against each other and that they shall not file any fresh case against each other in future. The three drafts bearing No.219950 dated 6.7.2006, 729308 dated 9.7.2007 and 711646 dated 3.7.2007 valued at Rs.1,20,000/-, Rs.35,000/- and Rs.25,000/- respectively payable at Oriental Bank of Commerce, Syndicate Bank and ICICI Bank Limited, respectively are handed over to respondent

No.2 present in the court and she acknowledges the receipt of these. Respondent No.2 states that she would not have any objection if the present FIR is quashed.

The offence alleged against the petitioners and their co-accused are under Sections 406 and 498A IPC arising out of the matrimonial dispute. Since the parties have agreed to dissolve the marriage and end their dispute and differences by arriving at a compromise, it would be futile to allow the present proceedings to continue. Even otherwise in view of the Full Bench decision of this Court reported as Dharambir Vs. State of Haryana, 2005 (3) RCR (Criminal) 426 and the law laid down by the Hon'ble Supreme Court in the case of B.S.Joshi Vs. State of Haryana, (2003) 4 SCC 675, the criminal proceedings arising out of matrimonial dispute can be ordered to be quashed on the basis of compromise. No useful purpose will be served in allowing these proceedings to continue.

This petition is allowed and FIR No.522 dated 14.11.2003 under Sections 406, 498A IPC registered at Police Station, Sector 7, Faridabad, and the subsequent proceedings arising therefrom are ordered to be quashed.

July 10, 2007 **(RANJIT SINGH)**
khurmi **JUDGE**